

1 June 1954

MEMORANDUM FOR: Chief, Regulations Control Staff

SUBJECT : Comments on Reg. No. [REDACTED] MEDICAL STANDARDS

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The various DD/A staff members have numerous comments on subject Regulation, the most significant of which are detailed below:

a. Paragraph 3.a.: I question the appropriateness of excepting from Agency medical standards persons employed under contracts which do not provide medical or disability benefits. The assumption appears to be that the Government assumes neither risk nor liability when employment is consummated under such limiting contracts. This is not the case. Under existing laws to which CIA is subject an employee of the U.S. Government, no matter how he is engaged, has numerous legal rights and benefits in case of certain injuries and illnesses related to his employment. Consequently there appears to be no basis for exempting such persons from the need to meet medical standards designed to protect the Government. As I understand the law (and perhaps this was the intent of the Regulation), "independent contractors engaged under contracts not providing medical or disability benefits" would probably have no legal basis to claim such benefits. In this connection the legal distinction between an independent contractor and an employee is a matter of factual relationship and not merely the terminology used in the contract between the two parties. Nevertheless I believe it is important both in this Regulation and in contracts to distinguish between the employment of an employee and the engagement of an independent contractor.

b. Paragraph 3., a. and b.: I do not believe this paragraph reflects the present understanding of the relative responsibility of the Chief, Medical Staff, and the Assistant Director for Personnel. I believe the requests for waivers of medical requirements and the disapprovals of such requests should be processed through the Assistant Director for Personnel and that final appeal should be made to the Director through the Chief, Medical Staff, and the Assistant Director for Personnel.

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c. Paragraph 4.a. is so worded as to exclude the Chiefs of the Major Components. How would the DD/A, for example, request waiver for a member of his immediate staff?

d. Paragraphs 1. and 2.: I believe these paragraphs should be merged in that paragraph 1. says nothing which is not better stated in paragraph 2. Moreover there is an inconsistency between them. Paragraph 2. provides for the procurement and retention of personnel who are physically and emotionally suited for Agency employment. Paragraph 1. refers to "assignment" in CIA. It is clear from this and from the provisions of paragraph 4. that one of the major purposes for physical examinations as related to medical standards is to ensure that persons with physical limitations are, on a continuing basis, assigned and utilized only in accordance with their physical limitations. This is far broader and more significant than the stated application with regard to procurement and retention of employees.

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